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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOROTHY WHITE,

Plaintiff,

Docket No.: CV- 06-0140
(ADS)(ARL)

-against-

TOWN OF SOUTHAMPTON, SOUTHAMPTON
TOWN POLICE DEPARTMENT, LIEUTENANT
JOHN JAMES, SERGEANT MATTHEW
HELMSTEAD AND OFFICER JOHN DOE

Defendants.
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PLAINTIFF'S PROPOSED QUESTIONS TO BE ASKED DURING VOIR DIRE

Plaintiff, by her attorneys, THE LAW OFFICES OF FREDERICK K. BREWINGTON, as and for their request, pursuant to Rule 47 for supplemental examination of prospective jurors, hereby respectfully proposes that the following additional questions be submitted upon Voir Dire.

Demographic Information Regarding Jurors

Where do jurors live?

Describe the neighborhood racially where you reside.

Do the jurors have children?

What are the ages of children? And what schools do they attend?

What is the level of education of the jurors? If the jurors attended college what college?

What is the work experience of jurors?

What is the marital status of each juror?

What is the work experience and position of the spouse of each juror?

Of jurors' children who are of working age, their work experience and profession?

What newspapers and or publications do the jurors read?

Prior Jury Service

Have the jurors served in a civil case?

Have the jurors served in a criminal case?

Were any of the jurors jury foremen/forewomen?

Result of trials:

Civil Verdict (for plaintiff/for defendant/no verdict)

Criminal Verdict (acquittal/guilty/no verdict)

Will anything about your involvement in that case affect your ability to sit in this case?

Experience with justice system:

Have the jurors ever been a witness?

Have the jurors ever been an investigator?

Have the jurors ever been a party to a litigation? If so state specifically how involved?

Have the jurors ever been a victim of a crime?

Has a member of your family/close friend ever been a victim of a crime?

Do jurors have friends or relatives who are attorneys?

Have jurors ever been members of a grand jury association?

Have jurors ever been a member of a grand jury?

Have jurors ever belonged to a union?

Demographics - Other Information

Have any of the jurors had military service?

Have any of the jurors has ever served in a court martial?

Has any individual juror been the victim of a crime?

Has any individual juror been the victim of police misconduct/abuse?

Has any individual juror has any bad experience with a police officer?

Has any individual juror had an experience with a police officer?

If so, describe the same. Has the experience left the jurors with positive/negative/neutral feelings about police officers/police work.

Has any member of the panel or any close friend or relative of any such member of the panel known:

- a. Any member of any District Attorney's office especially the Southampton Town or the Suffolk District attorney.
- b. Any attorney working for Southampton Town.
- c. Any attorney working for the Police department of Southampton Town/any Police department/ any individual police officers - to the knowledge of the individual panel member.

Have any jurors ever worked for the Town of Southampton and or Southampton Town Attorney or Suffolk County District Attorney.

Have any jurors ever received anything from the Town of Southampton in terms of compensation for services rendered/goods delivered, i.e. contracts for services and or products sold to the Town.

Health Concerns

Do any juror have any health problems that would make it difficult for him/her to be a juror in this case?

Do any of the jurors have any eyesight problems?

Do any of the jurors have any hearing problems?

Are any of the jurors suffering problems, physically, which make it difficult to sit for any extended period of time?

Are any of you suffering any emotional problems/situations which would make it difficult for you to concentrate on someone else's problems and to sit and listen to evidence for a period of time?

Personal Problems

Do any of you have personal problems, such as pending divorce, bankruptcy/anything else which would make it difficult for you to sit and consider evidence and to concentrate for a period of time?

Are there any illnesses in the family/hospitalizations or other such known situations which would be distracting to you and therefore make it difficult to concentrate and consider evidence in this case?

Relationship with Persons in the Case/Potential Witnesses/Counsel

The following persons are named as defendants in this case, they are members of the Southampton Town POLICE DEPARTMENT: LIEUTENANT JOHN JAMES, SERGEANT MATTHEW HELMSTEAD, in their individual and official capacities. Does any juror know these individuals or recognize these names?

The following persons may be called by the plaintiff as witnesses in this case;

Lieutenant John James,
Sergeant Matthew Helmstead
Officer James Christopher Cavanaugh
Dorothy White
Joseph Proctor
Mohammed Proctor
Johnathan Childress
Matthew Proctor
Dr. Charles Guida, M.D.
Dr. Steven Lederman, M.D.

Does any juror know these individuals or recognize these names?

Has any member of the panel been treated by any of the doctors listed or know anyone that has been treated by these doctors?

The attorney for the plaintiffs is Frederick K. Brewington, Esq. and Gregory Calliste, Jr., Esq. and the attorney for the defendant Town and the other defendants is Jelte deJong, Esq. Do any of the jurors know any of these attorneys? Has any juror ever heard of any of these attorneys? Does any of the jurors know anyone who has ever worked for any of the attorneys or been a client of these attorneys?

Legal Matters

Do the jurors understand that this is a civil case and not a criminal case and that no one will go to prison as a consequence of the verdict herein.

On the other hand, do the jurors understand that the plaintiff is asking to obtain monies for damages done to him; and that the monies would come from the Town of Southampton and/or other defendants.

Can you apply the law as given to you by the judge in this case irrespective of what law may have been given to you to apply in any other case in which you may have served as a juror?

Do you own stock in any casualty insurance company?

Have you ever worked for a casualty insurance company?

Connection with Law Enforcement Agencies

Are any jurors connected with any police department?

Have any jurors ever been connected with any type of police force?

Do any jurors have any immediate relatives who are connected with police?

Have any jurors or any member of their family worked as a volunteer or employee for a law enforcement agency or prosecutor's office on the local, state or federal level?

Attitudes towards Police

Do the jurors believe that the local police should be supported?

Do the jurors think that the local police need any special help or support?

Do any of the jurors or any members of their family carry placards or bumper strips on your automobiles saying "Support your local police"?

Do any of the jurors or any members of their family belong to groups which are directly supporting police functions?

Are any of the jurors honorary police officers/law enforcement personnel? Are any members of the jurors' family of such status?

Attitudes on Police Brutality/Knowledge

Have you read anything in the newspapers about police brutality?

What have you read?

In what publications?

Have you heard anything on radio/television about police brutality/misconduct?

What have you heard?

On what programs/what news programs.

Do you have any feelings, one way or the other, about the topic of police brutality as it has been in the news over recent periods?

What are your feelings?

As far as police misconduct/police brutality matters, is there anything about any publicized matters of which you are aware that will cause you to have problems sitting fairly in this matter?

Have you read anything about police wrongful conduct/ police brutality. What; where; when; and do you retain any impressions, opinions or views, and if so, what are those opinions and views?

Do you have any feeling/thought when someone claims police misconduct/police brutality?

What is the feeling/thought?

If so, you can put such feeling aside?

Do you believe that a police officer could charge an individual with a crime and arrest him in order to cover up for the wrongful conduct of the police officer - misconduct/ brutality of the officer against the individual he has charged?

Do you believe that a police officer is capable of acting wrongfully toward an individual and taking action to try and cover it up?

Do you believe police misconduct to be a common thing or an infrequent thing?

Juror's Confidence In Own Fairness

Is there anything about this case that bothers you in any way?

Assuming that some loved one of yours were seeking compensation for an injury caused by alleged wrongful conduct by a police officer/police officers, would you feel satisfied with a panel of jurors of the same mind as yours to stand judgment in the case of your friend or loved one?

If you are chosen in this case, do you know of any reason why you could not sit as an impartial juror?

If the situation were turned around would you want someone with the frame of mind that you presently have about what you've heard about this case sitting as a juror?

If you are chosen as a juror, will you stand by your own opinion based on the evidence that comes into the trial?

Will you let anybody shake your opinion? If you believe that the defendant(s) is/are liable for the wrongful conduct, will you stick with your opinion?

If you are chosen as a juror in this case will you stand on your own individual analysis of the evidence and not be swayed by any emotions of other jurors?

Do you find it difficult to make up your mind who is right and who is wrong in a family dispute or a problem at the office?

When faced with a difficult decision, would you rather leave it to someone else so you won't be blamed if the wrong decision is made?

If the vote is such in the jury room that you are the only person holding a particular view, will you stand firm in your position and not be swayed by emotion and pressure?

Would you be embarrassed within your family/neighborhood or with your relatives if you brought a finding of liability against police officers and the other defendants?

Would you feel embarrassed with and among your workers if you brought a verdict against police officer and the other defendants?

Municipal Liability

Can you treat the Town of Southampton the same as you treat the individuals and other parties to this action?

Does anyone feel that they will be hesitant in rendering a full, fair and complete verdict because of some feeling that it may effect the Town of Southampton financially?

Police Misconduct

Have you ever been in a police car?

Have you ever been handcuffed?

Have you or any member of your family or friends been employed by or worked for the Town of Southampton or the Southampton Town Police Department?

If so, who/when/in what capacity?

Does your job cause you to work with any law enforcement officer or agency?

Have you or any member of your family ever been engaged in private investigatory work?

Would any of the relationships you have mentioned cause you to sympathize with, give greater credibility to, or in any manner favor the defendants because they, too, are law enforcement officers?

Are you a member of any group organized principally for the suppression of crime?

Do you think that police officers would never lie under oath?

Do you think that police officers should be given the benefit of a doubt when their conduct is challenged and there is a dispute arising out of their conduct?

Do you think that law and order should be maintained at all costs, even if it means sacrificing somebody's constitutional rights?

Do you think that law and order should be maintained at all costs, even if it means

sacrificing somebody's civil rights?

Do you think that law and order should be maintained at all costs, even if it means sacrificing somebody's physical well being?

Do you believe that lawsuits against police officers and their governmental employer might actually improve performance by providing a check on those few officers who might be included to violence, abuse or loss of temper?

This is a lawsuit brought by a private citizen against the Town of Southampton and member police. Do you feel that citizens who believe they have been treated illegally and unfairly should not bring suit against police officers?

Do you believe that a person who complains that he or she has been a victim of police abuse:

Is only trying to get attention?

Is actually trying to cover up for his/her guilt in the situation?

Is trying to discredit the police and our system of law enforcement?

Do you disapprove of the legal principle that the plaintiff may recover damages from the defendant if it is proved by the preponderance of the evidence that defendant deprived plaintiff of rights protected by the Constitution and laws of the United States/State of New York?

Do you feel that people should be compensated for the deprivation of their civil and legal rights?

Does any member of the jury hold the belief that injury, conscious pain and suffering, fear, and permanent scarring and limit and loss of function of bodily parts, if proved by the evidence, should not be compensated for in money damages?

If, after hearing the evidence and the instructions of the judge, you found that the defendant(s) had wrongfully injured the plaintiff, would you hesitate to make him/them pay money damages?

If the judge were to instruct you that such compensation in the form of a substantial amount was proper under the law, would you have any hesitation about making such an award if the evidence warranted it?

Do you believe that a police officer's authority should always be respected and that she/he should always be obeyed and supported even if he/she acts illegally.

Is there any member of the jury who has a belief, now, without hearing any evidence or the law, that defendant should not be held responsible for the actions complained of even if the claims of the plaintiff are proven?

Is there any monetary figure which you believe, in your mind, is too high, that you could not agree to award plaintiff despite what the evidence supported and the

judge tells you?

Credibility of Witnesses

Would you have any fault to find with the law that says that a person who takes the witness stand, regardless of his profession, has equal dignity with any other person who takes the witness stand?

If the plaintiff testifies in this case, would you give him the same credence that you would give to any other witness?

Would you give more credence to the testimony of a white person that you would to the testimony of an African American?

Do you feel that jurors give greater credibility to witnesses who are of the same racial or ethnic group?

Would you give greater credence to the testimony of a law enforcement official because of the fact that he/she is such an official as compared to the testimony of the plaintiff or any other non-law-enforcement person?

Now, as between the testimony of a police officer who would testify, and the plaintiff who would testify, would you give more credibility to the testimony of a police officer than you would a lay person?

What if there were two police officers testifying and just a lay witness? Would you give more credibility to the testimony of the police officers than you would to the lay witness for that reason alone: two police officers against just the lay witness?

Would you give the testimony of a police officer more credence, more reliability than you would of any other person, a Hispanic person, an African-American person?

Do you believe that there are situations where law enforcement personnel and law enforcement officers would not tell the truth?

Would you feel a witness called by a police officer would be more reliable merely because he is being called by the police officer?

Have you ever heard of the term "the code of silence"; "the blue wall of silence". What meaning or feeling do you have with such?

Do you believe that an officer would not tell the truth in order to cover up for a wrong done by another officer?

Do you believe that eyewitnesses can see different things which appear contradictory and yet be telling the truth, in the basic substance of their testimony if not the detail, because of the difference that eyewitnesses have in recall and recollecting any what they actually see and remember seeing and think that they remember seeing; and would you weigh a witness's testimony carefully and not reject the same merely because of detail inconsistency but taking the testimony as

a whole?

Do you believe that it is possible for someone to misinterpret what they see?

People can be mistaken in what they see and identify, is that correct?

Do you think that a person can be scared/frightened/coerced into giving testimony, directly/indirectly; and will you weigh all factors regarding an individual to determine whether the individual might be giving testimony which he believes to be true but which is indirectly or directly given in support of a position because of other factors such as interrelationships/mistaken testimony?

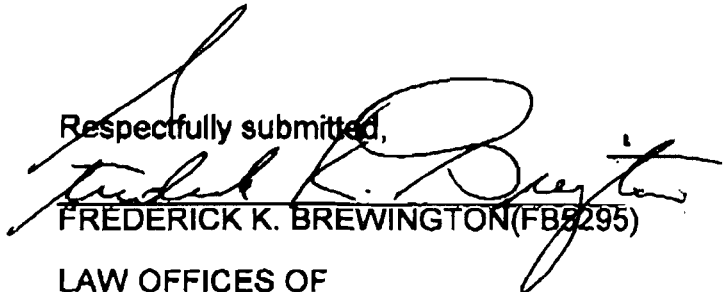
Due Process and Fairness

The Due Process and Equal Protection clauses of the United States Constitution guarantee that all people be treated equally and fairly in a court of law without regard to issues of race, creed, color, citizenship or nationality. The plaintiff in this case is African-American, as are members of the plaintiff's legal team as well as some of the witnesses who will be testifying before you in this trial. Prospective jurors may have prejudices or sympathies. Some of you may have had unpleasant experiences that may lead you to have strong feelings concerning certain groups or classes of people, but you must agree that neither prejudice nor sympathy can be allowed to interfere with your receipt of evidence nor your deliberation in the jury room.

It would be unfair to the parties and contrary to the letter and spirit of American law for you to sit on this jury if any one of you feels that you are unable to evaluate the issues in this case without regard to race, creed or color as I have indicated. If any of you feel that you will be unable to truly and fairly reason, then it would be unfair and wrong for you to remain on this panel. Therefore, I ask each of you whether you feel that you can fairly and impartially judge the issues of this case, and if you have any doubt or question concerning these very important matters, then I ask that you raise your hand and call that to my attention. It is urgent that you do so, so that the parties to this proceeding may have a fair trial.

Dated: March 24, 2007
Hempstead, New York

Respectfully submitted,



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GREGORY CALLISTE**

TRANSMITTAL COVER SHEET

DATE: 3/24/07

TO: *Honorable Arthur D. Spatt - 631-712-5626*
JELTJE DEJONG, ESQ. - 631-724-8010

TEL NO.: _____ **FAX NO.:** _____

FROM: **FREDERICK K. BREWINGTON, ESQ.**

RE: *Dorothy White v Town of Southampton*
Docket No.: CV-06-0140 (JS)

MESSAGE (IF ANY):

REQUESTED VOIR DIRE QUESTIONS

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